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February 6, 2004

VIA FACSIMILE
(Total No. of Pages Transmitted: 3)

To: Examiner Jason D. Cardone
Group Art Unit No.2142
U.S.P.T.O.

Facsimile No.: (703) 872-9306

From: Frederick E. Cooperrider

Facsimile No.: (703) 761-2375 or 76

Re: Enclosed Response to Restriction Requirement
U.S. Patent Application Serial No. 09/506,603
Attorney Docket No. YOR919990374US1
Our Reference: YOR.134

Dear Examiner Cardone:

Enclosed is a Response to Restriction Requirement responsive to the Office Action mailed on January 8, 2004, which we request that you enter and which should place the above-referenced case in condition for allowance.

Thank you in advance for your kind consideration on this case.

Very truly yours,



Frederick E. Cooperrider
Registration No. 36,769

FEC/jkm
Enclosure

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Boivie, et al.

Serial No.: 09/506,603

Group Art Unit: 2142

Filed: February 18, 2000

Examiner: Cardone, J.

For: SYSTEM AND METHOD FOR ENFORCING COMMUNICATIONS BANDWIDTH
BASED SERVICE LEVEL AGREEMENTS TO PLURALITY OF CUSTOMERS
HOSTED ON A CLUSTERED WEB SERVER

Commissioner for Patents
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the Office Action dated January 8, 2004, please consider the following:

REMARKS

In response to the Examiner's restriction requirement, Applicant hereby elects the invention of Group I directed to claims 1-6 and 8-26, with the following comments.

First, it is questionable whether the plain meaning of the claim language is correctly reflected in the Examiner's description of invention I and invention II. Second, it is questionable whether it could be reasonably asserted that an undue burden is imposed on the Examiner when a complete search has already allegedly been done, as evidenced by the Office Action dated July 29, 2003.

Early, favorable prosecution on the merits is respectfully requested.

Should the Examiner find the Application to be other than in condition for allowance, the